

Exhibit “HH” to Amended Verified Petition

MEHLON TRUCKING CO., INC.
555 Rock Cut Road
Walden, New York 12586

May 2, 1996

Honorable George P. Bucci, Jr.
Town Supervisor
Town of Newburgh Town Hall
2026 Union Avenue Extension
Newburgh, New York 12550

Re: Weight Limitation-Kings Hill Road

Dear Supervisor Bucci:

I am writing to you on behalf of my company Mehlon Trucking Inc. concerning it's property located on Kings Hill road. This property is just over the town of Newburgh line and it consists of an approximately 200 acre parcel of land.

During the past several years our Company has applied for a permit from the New York State Department of Environmental Conservation to remove shale from our property. Several years ago, the Town of Newburgh amended it's Town code to adopt a weight limitation on Kings Hill road of trucks in excess of three (3) tons, which excluded the pick-up and delivery on the street.

Kings Hill Road runs from Rock Cut Road in the Town of Newburgh to the Town of Montgomery. A portion of the road in the Town of Montgomery beyond our property runs over the New York City aqueduct. The regulations governing the New York City aqueduct restricts truck travel over this portion of Kings Hill Road in the Town of Montgomery leaving the only means of ingress and egress to our property through the Town of Newburgh portion of Kings Hill Road. The Town police department in enforcing this weight restriction has repeatedly ticketed our vehicles claiming our truck traffic is in violation of the Town code.

Your Town code specifically allows truck traffic in excess of the three(3) ton weight limitation when the truck traffic is for the pick-up and delivery of materials on such streets. We believe that based on the existing Town law our truck traffic to and from our Kings Hill Road property should not be subject to this weight restriction.

We have discussed this matter previously with officials from the Town of Newburgh and your Town highway superintendent. We have offered to assist with the upgrading of this road to meet any safety concerns which the Town may have. We have been unable to come to a satisfactory resolution of this issue and are very anxious to resolve this issue so that we may use this road as a means of ingress and egress to our property.

We would request that you review the above and advise whether or not the Town agrees with our position that our trucks are allowed to use Kings Hill Road for the pick-up and delivery of material from our property.

If you wish to conduct a meeting with your Town highway superintendent and myself, I will be glad to participate in the same to discuss this matter.

Sincerely,

LEON MEHL, President
Mehlon Trucking Co., Inc.